

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

**WAYNE THOMAS**  
**Plaintiff**

**v.**

**AMERIPAK GROUP, INC., a Texas**  
**Corporation,**  
**Defendant**

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**CIVIL ACTION NO. 4:18-cv-00353**

**ORIGINAL ANSWER OF DEFENDANT  
AMERIPAK GROUP, INC.**

Defendant Ameripak Group, Inc. (“Ameripak”) for its answer to Plaintiff Wayne Thomas’ (“Plaintiff”) Complaint (“Complaint”) denies each and every allegation appearing in Plaintiff’s Complaint, except as Ameripak may hereinafter admit, qualify, or otherwise answer:

**JURISDICTION AND PARTIES**

1. Ameripak admits the allegations appearing in the first sentence at paragraph 1 of the Complaint.
2. Ameripak admits the allegations appearing in paragraph 2 of the Complaint.
3. Ameripak is without sufficient knowledge, so denies the allegations appearing in paragraph 3 of the Complaint.
4. Ameripak is without sufficient knowledge, so denies the allegations appearing in paragraph 4 of the Complaint.
5. Ameripak is without sufficient knowledge, so denies the allegations appearing in paragraph 5 of the Complaint.
6. Ameripak admits the allegations appearing in paragraph 6 of the Complaint.

7. Ameripak admits the allegations appearing in paragraph 7 of the Complaint.

**COUNT 1**  
**(VIOLATION OF TITLE III OF THE ADA)**

8. Ameripak admits the allegations appearing in paragraph 8 of the Complaint.

9. Ameripak admits the allegations appearing in paragraph 9 of the Complaint.

10. Ameripak admits the Plaintiff visited the property and attempted to utilize the goods and services offered at the property but denies he plans to return as alleged in paragraph 10 of the Complaint.

11. Ameripak denies the allegations appearing in paragraph 11 of the Complaint.

12. Ameripak denies the allegations appearing in paragraph 12 of the Complaint.

13. Ameripak denies the allegations appearing in paragraph 13 of the Complaint.

14. Ameripak denies the allegations appearing in paragraph 14 of the Complaint.

15. Ameripak denies the allegations appearing in paragraph 15 of the Complaint.

16. Ameripak denies the allegations appearing in paragraph 16 of the Complaint.

17. Ameripak denies the allegations appearing in paragraph 17 of the Complaint as there are no barriers.

18. Ameripak denies the allegations appearing in paragraph 18 of the Complaint as there are no barriers.

19. Ameripak admits the Plaintiff retained an attorney but denies the attorney is entitled to attorney's fees as alleged appearing in paragraph 19 of the Complaint.

**COUNT 1**  
**(VIOLATION OF TITLE III OF THE ADA)**

20. Ameripak admits the allegations appearing in paragraph 20 of the Complaint.

21. Ameripak admits that the allegations appearing in paragraph 21 of the Complaint are the approximate text of statute.

22. Ameripak admits that the allegations appearing in paragraph 22 of the Complaint.

23. Ameripak admits that the allegations appearing in paragraph 23 of the Complaint.

24. Ameripak denies in entirety the allegations appearing in paragraph 24 of the Complaint as there are no barriers.

WHEREFORE, Defendant requests the following relief:

1. All the claims asserted against Defendant shall be dismissed in their entirety, on the merits, and with prejudice;
2. For a judgment of dismissal in its favor against Defendant; and
3. For its costs and disbursements and reasonable attorneys' fees as allowed under applicable law.

Respectfully submitted,

PORTO, TRUEHEART & McSTAY



By: \_\_\_\_\_

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ATTORNEYS FOR DEFENDANT  
AMERIPAK GROUP, INC.

**CERTIFICATE OF SERVICE**

I also hereby certify that on August 7, 2018, I electronically filed the **ORIGINAL ANSWER OF DEFENDANT AMERIPAK GROUP, INC.** with the Clerk of the Court using the CM/EMF system, a copy will be sent to all attorneys of record.

A handwritten signature in blue ink that reads "P. Andrew McStay". The signature is written in a cursive, flowing style.

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P. Andrew McStay